Social Services Appeal Board of Saskatchewan

Annual Report
2004 - 2005

Letter of Transmittal

Honourable Joanne Crofford
Minister of Community Resources and Employment

106-01213/

Dear Ms. Crofford:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2005.

Elaine Pederson
Chairperson

Preface

The Annual Report, presented to the Minister of Community Resources and Employment provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2004 to March 31, 2005.

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Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(m)(n), 15-18; the Saskatchewan Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

Members of the Board
2004 - 2005

Chairperson and Board Members are independent of the Department of Community Resources and Employment. Appointments are made by Minister's Order.

Gloria Edwards is the appeal co-ordinator in Regina.

Yvonne Brandsema is the appeal co-ordinator in Saskatoon.

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to six persons. A quorum is three members.

The chairperson attends all appeal hearings and writes the decisions which are conveyed in writing to clients, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Chairperson's Comments

The 2004 - 2005 annual report of the Social Services Appeal Board is available on-line at **www.dcre.gov.sk.ca/publications/annualreports/appealboard/ssappealboard_2004_05.pdf**

In 2004 - 2005 the board received 223 appeal requests. This is one more than in 2003 - 2004. Eleven requests were denied and 31 requests were withdrawn. Thirty meetings were held in Regina and 32 in Saskatoon.

Decisions favoured clients in 22% of the cases.

The majority of cases continues to relate to Section 6(1)(b) of the Saskatchewan Assistance Regulations . In fact, at 50.1% this section appears to be somewhat all-encompassing. During the course of even the most straight forward 6(1)(b) appeal, the board often hears about other concerns.

Transitional Employment Allowance appeals (3) are included in these numbers. These appeals are conducted by telephone and the process appears to be working. Board members are becoming more skilled with the new format and clients appear more comfortable. This type of appeal will likely increase with the increase in the number of clients receiving the Transitional Employment Allowance.

Table 1 - Statistics
Number of Regional and Provincial Appeals
(1999 - 2000 to 2004 - 2005)

	Regional	Provincial
1999 - 2000	481	172
2000 - 2001	397	135
2001 - 2002	416	137
2002 - 2003	502	171
2003 - 2004	586	222
2004 - 2005	565	223

Table 2 - Regional Appeals
Location and Disposition 2004 - 2005
Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Director	Total
Southwest	20	188	208
Southeast	1	24	25
Centre	27	125	152
Northeast	12	53	65
Northwest	1	123	124
Total	50	513	574

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals
Source of Provincial Appeals
2004 - 2005

Region	Appealed by Client	Appealed by Director	Total
Southwest	84	8	92
Southeast	7	0	7
Centre	40	11	51
Northeast	24	4	28
Northwest	43	0	43
Total	198	23	221

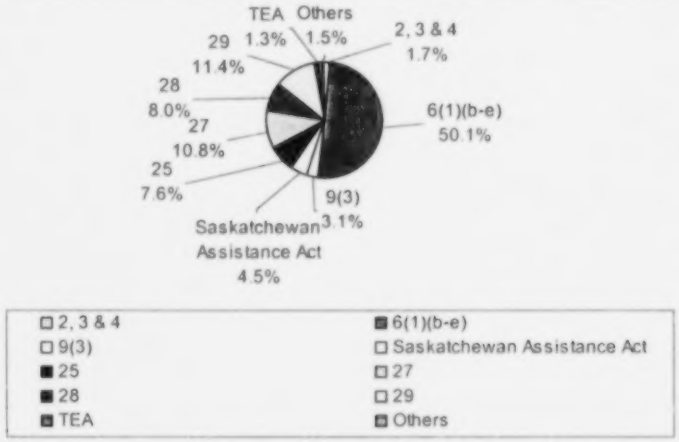
Note: **11 requests for appeals were denied**
31 appeals were withdrawn
Some cases were appealed by both client and director

Table 4 - Provincial Appeals
Summary by Region
2004 - 2005

	Client Sourced Appeals		Director Sourced Appeals	
Region	Decision For Client	Decision Against Client	Decision For Director	Decision Against Director
Southwest	14	56	5	4
Southeast	1	4	0	0
Centre	5	31	2	5
Northeast	3	13	2	1
Northwest	3	29	0	0
Total	26	133	9	10

The number of appeals received and the number of decisions is not equal due to denials, withdrawals and split decisions.

Table 5 - Social Services Appeal Board
Appeals by Reason
(segments represent the SAP Regulation appealed)



2, 3 & 4	- Common-law, etc.
6(1)(b-e)	- Failure to explore every possibility of self-support, to participate in determining eligibility, to advise of changes in circumstances, to participate in periodic case planning
9(3)	- Method of calculating entitlement
Saskatchewan Assistance Act	- Section 29.3, 29.5 - overpayments
25	- Basic Needs, shelter, food, personal
27	- Special Needs
28	- Income exemptions
29	- Excess income or assets
Transitional Employment Allowance	- Sec.5(2)(b), 20(1)(d)
Others	- Includes, failure to co-operate, university students, right to appeal, trusteeships, security deposits

Table 6 - Appeal Board Meetings
Provincial Appeals Heard in Regina and Saskatoon

2001 - 2002 to 2004 - 2005

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2001 - 2002	24	52	24	62
2002 - 2003	28	75	28	75
2003 - 2004	27	89	33	108
2004 - 2005	30	79	32	103

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Department of Community Resources and Employment will also be advised. The Department may then initiate action which satisfies the client.

2004 - 2005

Cases Opened	Cases Closed	Not Substantiated	Substantiated & Rectified	Substantiated & Unresolved	Discontinued
15	13	10	1	1	2

Cases outstanding April 1, 2004: 16

Cases outstanding March 31, 2005: 15

The number of outstanding cases appears high. Cross referencing with the Office of the Ombudsman may reduce the numbers.